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REMARKS

Applicants appreciate the indication of allowable subject matter in the present application.

The amendments of the after-final response filed November 12, 2003 were not entered as indicated by the Advisory Action mailed December 2, 2003. Applicants hereby file this RCE to have the rejections reconsidered in view of the below remarks.

Claims 31, 33-34, 37-42, 54, 57, 60-62, 64, and 67-70 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 5,239,260 to Widder et al

Applicants respectfully traverse the rejection and urge allowance of the present application.

Referring to claim 31, it is stated on pages 2-3 of the Office Action that Widder discloses an engagement probe 20. It is further alleged that any one of the corner edges formed at the bottom portion of engagement probe 20 disclose the claimed apex and any line formed by the truncated pyramid shown at the far edges of contact 22 discloses the knife-edge line. Applicant disagrees.

Applicants submit a copy of the dictionary definition of "knife-edge" as "a sharp narrow edge or margin like that of a knife," or "a narrow ridge." As set forth in col. 4, lines 45-48 the structure 20 is in the shape of a **pyramid**. Further, it is disclosed in line col. 4, lines 45- 58 that reference 22 of the bottom of the pyramid 20 is a *contact* **point** 22 formed on the tip of pyramid 20.

It is clear from the express teachings of Widder that structure 20 is a pyramid having a point to contact a pad. There is absolutely no teaching in Widder that the corner edges or any line of structure 20 may be fairly considered to teach or suggest a sharp narrow

edge or narrow ridge of the knife-edge line as claimed. Fig. 1 clearly illustrates the lower portions of structure 20 being formed by obtuse angles which in no fair interpretation disclose or suggest the claimed knife-edge line. Further, a contact point as clearly disclosed in Widder fails to disclose or suggest the claimed knife-edge line configured to removably engage a single conductive pad as claimed. Positively-recited limitations of claim 31 are not shown nor suggested and claim 31 is allowable for at least this reason.

The Examiner's interpretation of Widder is contrary to the express and explicit teachings of the Widder reference. In the event that a rejection of the claims is maintained with respect to the prior art, or a new rejection made, Applicants respectfully request identification in a non-final action of elements which allegedly correspond to limitations of the claims in accordance with 37 C.F.R. §1.104(c)(2). In particular, 37 C.F.R. §1.104(c)(2) provides that *the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified*. Further, 37 C.F.R. §1.104(c)(2) states that the Examiner must cite the best references at their command. When a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular teachings relied upon must be designated as nearly as practicable. The pertinence of each reference if not apparent must be clearly explained for each rejected claim specified. Applicants respectfully request clarification of the rejections with respect to specific references and specific references teachings therein pursuant to 37 C.F.R. §1.104(c)(2) in a non-final Action if any claims are not found to be allowable.

The claims which depend from independent claim 31 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, the Office Action on page 3 identifies the bottom portion of 32 as allegedly disclosing the claimed penetration stop plane of claim 33. Applicants disagree. It is clear in Widder the reference 22 comprises a contact point. The Widder reference discloses vibration to establish the contact of the contact point 22 with pad 12. Widder fails to disclose or suggest limitations of claim 33 and claim 33 is allowable for this additional reason.

Page 4 of the Action states that limitations of claim 34 are inherent. There is no penetration stop plane let alone the specifically claimed tip being spaced a distance from the penetration stop plane of about one-half the thickness of the conductive pad which the apparatus is adapted to engage. Fig. 1 clearly disclosed a much greater distance between point 22 and a surface 32 than the thickness of pad 12. The Examiner's reliance on inherency is misplaced. The Examiner is reminded that, "in relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

Widder fails to disclose or suggest any penetration stop plane teachings let alone the specific configuration of claim 34. The allegedly inherent characteristics do not necessarily flow from the teachings of Widder and the rejection of claim 34 is improper for this additional reason.

Claim 68 recites the substrate comprising a semiconductor substrate and the engagement probe comprises semiconductor material of the semiconductor substrate. The reliance upon inherency as set forth on page 5 in support of the rejection of claim 68

is improper. Numerous other configurations of structure 20 comprising material other than semiconductor material of a semiconductor substrate are possible. Accordingly, the reliance upon inherency in support of the rejection of claim 68 is improper in view of the above authority.

Referring to the rejection of independent claim 54, the prior art fails to disclose or suggest the probe having an outer surface comprising an apex in the form of at least one **knife-edge line**. The **pyramidal structure 20** and **contact point 22** fail to disclose or suggest the claimed knife-edge line. Claim 54 is allowable for at least this reason.

The bottom portion of layer 32 of Widder also fails to disclose or suggest the positively-claimed penetration stop plane. Widder discloses contacting the pad using the **contact point 22** and there are absolutely no teachings of record that the layer 32 operates as a penetration stop plane.

Numerous limitations of claim 54 are not shown nor suggested by the prior art. Applicant requests clarification of any rejection of claim 54 in a non-Final Action if such claim is not allowed.

The claims which depend from independent claim 54 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, claim 70 recites the engagement probe comprises semiconductor material formed from a semiconductor substrate. The reliance upon inherency as set forth on page 5 in support of the rejection of claim 70 is improper. Numerous other configurations of structure 20 comprising material other than semiconductor material of a

semiconductor substrate are possible. Accordingly, the reliance upon inherency in support of the rejection of claim 70 is improper in view of the above authority.

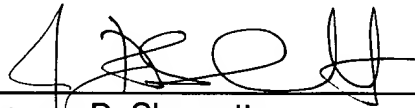
Applicants hereby add new claims 73-74 which are supported at least at page 13, line 22 through page 14, line 13 of the originally-filed application.

Applicants request allowance of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

Dated: 12/29/03

By: 
James D. Shaurette
Reg. No. 39,833

Webster's Third New International Dictionary

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A line drawing of a wooden desk. It has a rectangular top surface. On the left side, there is a vertical column of four drawers, each with a small handle. On the right side, there is another vertical column of four drawers, also with handles. In the center, between the two columns of drawers, there is an open rectangular space for a chair. The desk is supported by four legs, which are slightly curved and have small feet at the bottom.

knife switch *n* : an electric switch in which contact is made by pushing one or more flat metal blades between the jaws of spring clips
knife tool *n* : a tool suggestive of a knife: as a : a knife-shaped graver b : a small wheel used in seal engraving for cutting fine lines
knife urn *n* : an urn-shaped knife box popular in the late 18th and early 19th centuries
knifeway '\n-ə\ n : a long tapering usu. hardened straight bar (as a V bar)
knif-flin system '\nif-ən\ *n*, *usu* cap K [after Wm. Kniffin, 1790, noted the tool]: a system or method of training grapevines whereby a trunk is carried to the upper of two braced supporting wires along which the annually renewed fruiting canes are tied and from which the bearing branches are allowed to hang down
knifing pres part of KNIFE
knight '\nit, -su\ *id-* + \n -s [ME, boy, youth, knight, fr. OE *niht*, *eneht* boy, youth, military follower; akin to OS & OHG *kneht* boy, youth, military follower, OE *cnotta* knight — more at KNOT] 1 a (1) : a mounted man-at-arms of the European feudal period serving a king or other superior usu. in return for a tenure of land: esp : a man certain rank and by a feudal superior into special military rank commonly immediately below that of baron usu. available only after completing regular periods of service as page and squire — compare DUB *vr* la (2) : a man upon whom a corresponding dignity has been conferred by the sovereign in recognition of personal merit (3) : a member of an order of knighthood or of chivalry (a *Knight of the Garter*) (4) : a member of a social or fraternal order (*Knights of Labor*): also : a member of such an order holding a particular degree or rank that is officially so designed (members, acolytes, and ~s of the hierarchy) b (1) : a person of ancient history or mythology of a rank equivalent to that of knight — often used to translate Latin *miles* (2) : EQUUS c : KNIGHT OF THE SHIRE d : a man who devotes himself to a lady as her attendant or champion e : a man associated in his personal or professional character with something specified (as an implement, tool, place, material, or character) in trade or craft : nickname (the *quill*) : rascals often called ~s of the bridewell (a ~ of the quill earning a pittance by his writings) 2 a : a chess piece that may cross occupied squares and that has an L-shaped move of three squares of which two are in a horizontal or vertical row and one is perpendicular to the row b : a face card ranking between the queen and the jack in many European playing card games c : a small bit with three sheaves through which the running rigging of a ship is passed
knight '\- vi -ED/-ING/-s [ME *knighten*, fr. *knight*, *n*.]: to make a knight of: induct into the state or an order of knighthood : DUB
knight-age '\-id-ij\ *n* -s 1 : knights: or a body of knights (the king and all his ~s) 2 : a register and account of knights (the severe and olden ages that register men of nobility and note) 3 : KNIGHTHOOD (hardly service may win a commoner ~)
knight bachelor *n*, *pl* **knights bachelors** *also* **knights bachelor** : a knight belonging to the most ancient but the lowest order of English knights and not a member of an order of chivalry — see KNIGHT BANNERET
knight banneret *n*, *pl* **knights bannerets** *also* **knights bannerets** : a knight of an ancient English order of knighthood that was commonly conferred as a reward for valor on the field of battle and that entitled the holder to bear a banner rather than the pennon of a knight bachelor
knight baronet *n*, *pl* **knights baronets** : BARONET
knight commander *n*, *pl* **knights commanders** : a member of the second class in an honorary order (as the Order of the Bath) : a knight of the first class of membership ranking below a knight grand cross and above a companion
knight-companion '\-s-ə\ *n*, *pl* **knights-companions** *also* **knight-companions** : a knight belonging to an order of knighthood having only one class (the Order of the Garter ~ consists of the sovereign and twenty-five *knights-companions* — Valentine Heywood)
knights-errant '\nait-ə\ *n*, *pl* **knights-errant** [ME *knight errant*]: a wandering knight; esp : one traveling at random in search of adventures in which to exhibit military skill, prowess, and generosity
knight-errantry '\-s-ə\ *n*, *pl* **knights-errantries** 1 a : the character or actions of a knight-errant : the practice of wandering in quest of adventures b : a quixotic conduct : a quixotic quest : adventurist scheme 2 : KNIGHTS-ERRANT
knight-ess '\nid-əs\ *n* -ES 1 *obs* : a woman filling the role of a knight either as a fighter or as a member of an order of chivalric importance : female knight 2 : the wife of a knight
knight-ful-ly '\nitfə\ *adv* : in the manner of a knight : BRAVELY, CHIVALROUSLY
knight grand commander *n*, *pl* **knights grand commanders** : a member of an honorary order (as the Star of India) that admits other than Christians to membership corresponding in rank to a knight grand cross
knight grand cross *n*, *pl* **knights grand cross** : a member of the highest class in an honorary order (as the Bath) with more than one class of membership — see KNIGHT COMMANDER
knight-lance '\nit-ləns\ *n* : a knight having been carved to represent knights] 1 : one of two timbers rising in the bows of a wooden ship just within the stem with one on each side of the bowsprit — called *also* *bollard timber* 2 : a triangular bulkhead just abaft the cutwater with a hole through which the bowsprit of a ship passes
knight-hood '\nit,hud\ *n* [ME *knighthood*, fr. *knight* + *-hood*]: the state of being a knight : the dignity or office or vocation of a knight or of knights as a class (won a ~ for his devotion to civic reform) (~ was at one time both a social obligation and a symbol of maturity) 2 : the character of a knight : qualities befitting a knight or knights as a class : KNIGHTLINESS, CHIVALRY 3 a : knights as a class (the early ~ held a place distinct from the great lords on the one hand and the legendary ~ of King Arthur)
knight-hood-errant '\nit,hud-ə\ *n* : KNIGHTS-ERRANT
knight hospitalar *n*, *pl* **knights hospitalars** *usu* cap K & H : HOSPITALIER
knight-lia '\nid-ēə\ *n*, cap [NL, fr. Thomas A. Knight †1838 Eng. plant physiologist + *-lia*]: a small genus of Australian tree shrubs (family Proteaceae) with alternate leathery leaves, showy racemose flowers, and follicular fruit — see REWA-REWA
knightless *adj*, *obs* : unbecoming a knight : UNCHIVALROUS
knight-li-hood '\nitli,hud\ *n* : KNIGHTLINESS
knightlike '\nitli,k\ *adj* [ME *knightlik*, fr. *knight* + *-lik* -like] : KNIGHTLY
knightliness '\nitlənəs\ *n* -es : the quality or state of being knightly; broadly : chivalrous courtesy or gracious kindness (a natural ~ characterized all his relations with others)
knight-ling '\nitliŋ\ *n* -s : a knight of little worth or importance : petty knight
knight-ly '\nitli,-li\ *adj* [ME, fr. *knight* + *-ly*] 1 a : of or relating to a knight b : befitting a knight : CHIVALROUS 2 : being of the rank or order of knight
knightly '\nitli\ *adv* [ME, fr. *knightly*, *adj*.]: in a manner becoming a knight
knight marshal *n*, *pl* **knights marshals** 1 : a former military officer analogous to the modern quartermaster 2 : a onetime officer of the British royal household who had judicial functions
